



**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION**

NEW YORK REGIONAL OFFICE
BROOKFIELD PLACE, 200 VESEY STREET, SUITE 400
NEW YORK, NY 10281-1022

DIVISION OF ENFORCEMENT

PAUL G. GIZZI
SENIOR TRIAL COUNSEL
(212) 336-0077
gizzip@sec.gov

May 11, 2020

Via ECF

Hon. P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *SEC v. Debo*, 20-cv-6 (PKC) (S.D.N.Y.)

Dear Judge Castel:

Plaintiff Securities and Exchange Commission (“Commission”) respectfully writes to seek a 60-day adjournment of the initial pretrial conference currently scheduled for May 21, 2020. As described in the March 9, 2020 letter to Your Honor (Doc. 9), the Commission has made a request under the Hague Convention to serve the sole defendant in this action, Ulrik Debo (“Debo”), in the United Kingdom, but the Commission staff does not yet know whether service has been effected. The Court previously granted one Commission request to adjourn the initial pretrial conference (Doc. 10).

As background, the Commission filed this action on January 2, 2020. The same day, the United States Attorney’s Office for the Southern District of New York (“USAO”) unsealed criminal charges against Debo and others in *United States v. Ciapala*, 19-cr-874 (GBD) (S.D.N.Y.). The Commission understands that Debo was arrested in the U.K. and is currently being detained in the HMP Wandsworth facility in London. The Commission understands that the USAO is seeking Debo’s extradition to the United States to face the criminal charges.¹ At present, no counsel has entered an appearance on Debo’s behalf either in the criminal case or in this Commission action.

On January 17, 2020, the Commission sent an initial service request under the Hague Service Convention (the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters), with the Court’s Initial Pretrial Conference Order (Doc. 8), to the Royal Court of Justice in London for delivery to Debo. The Hague initial service request was returned, however, because it did not include Debo’s U.K. prisoner number, which was not publicly available. The Commission subsequently obtained the prisoner number through the U.K. Financial Conduct Authority, the Commission’s counterpart in the U.K. On March 4, the Commission sent a second Hague Service Convention request to the Royal Court, which request appears to have been delivered on March 6. The Commission understands that, under

¹ The USAO proceeding includes criminal charges against Kenneth Ciapala, a Swiss resident, and his Swiss company, Blacklight SA. The Commission filed separate actions against Ciapala and Blacklight—*SEC v. Bajic*, 20-cv-7 (LGS) (S.D.N.Y.) and *SEC v. Ciapala*, 20-cv-8 (PGG) (S.D.N.Y.).

normal circumstances, it takes approximately two months for service to be completed in the U.K. under the Hague Service Convention. Service in the U.K. may be delayed as a result of the Covid-19 pandemic. In addition, the Commission is currently operating in a mandatory telework environment due to the pandemic, and is not able to determine whether a return of service has been received in the Commission's New York Regional Office.

The Court's Initial Pretrial Conference Order, which scheduled a conference under Federal Rule of Civil Procedure 16, directed the parties to submit a joint letter five business days before the conference, which would be due on May 14. The Commission respectfully requests that the Court adjourn the conference for 60 days. If the Court prefers to hold the conference on May 21 as scheduled, the Commission is prepared to submit its own proposed scheduling letter by May 14, and respectfully requests that the conference be held telephonically.

Respectfully submitted,

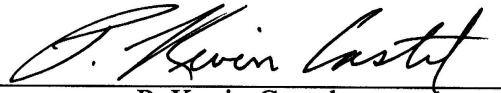
/s/ Paul G. Gizzi

Paul G. Gizzi
Senior Trial Counsel

Initial conference adjourned from May 21 to July 27, 2020 at 12:00pm. It will be conducted telephonically. The dial-in information for the call is below:

Dial-in: (888) 363-4749
Access Code: 3667981

SO ORDERED.
May 11, 2020



P. Kevin Castel
United States District Judge